

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2675 OF 2022

Pappu @ Popat Ratan Vir ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Vivekanand Krishnan alongwith Mr. Abhijit Dixit for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 28 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 277 of 2021 registered at Nashik Road Police Station, for the offence punishable under Section 302 of Indian Penal Code.

3. The deceased was the wife of the present applicant. According to the prosecution, on 28 September 2021, the present applicant committed the murder of the deceased by strangulating her.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The bail inter-alia is sought on medical ground. The report was thus called in relation to health condition of the present applicant. Pursuant to it, the learned APP has tendered medical report of the present applicant dated 28 February 2023. The said report reads thus :

“The said under trial prisoner UT No.554, Popat @ Pappu Ratan Veer, aged 45 Years, male, entered Nashikroad Central Prison on dated 11-10-2021.

The said under trial prisoner UT No.554, Popat @ Pappu Ratan Veer, when entered in Nashik Road central prison gave past history of paralytic stroke in 2019, left sided hemiparesis, giddiness, Left Side weakness and Numbness and was taking treatment privately from outside hospital.

At present the said undertrial prisoner is having C/O chest pain, Giddiness, Uneasiness, Palpitation, left side weakness, can't move and walk properly and depends on other for daily routine work.

On dated 19/05/2022 the said under trial prisoner UT No.554, Popat @ Pappu Ratan Veer, brought by prisoners in unconscious condition in Nashik Road Central Prison hospital. Chief Medical Officer of Nashik Road Central prison hospital examined the said undertrial prisoner and right down his notes on OPD case paper as giddiness, sweating, palpitation, numbness and left side weakness and then Chief Medical Officer of Nashik Road Central prison hospital referred the said undertrial prisoner to Civil Hospital Nashik for expert opinion and further management. From dated 19/05/2022 to 28/05/2022 the said undertrial prisoner was admitted in Civil Hospital Nashik. Expert from Civil Hospital Nashik examined the said undertrial prisoner and diagnosed as left side Hemiparesis with CVA and treated him with appropriate medicines and advised him for physiotherapy and referred the said undertrial prisoner UT No.554, Popat @ Pappu Ratan Veer to Higher center for further management.

On dated 30/05/2022, Medical officer of Nashikroad Central Prison hospital filled Reg. No.32 with req. No.

403/30-05-2022 to send the said under trial prisoner UT No.554, Popat @ Pappu Ratan Veer to higher center for further management.

On dated 06-07-2022 a written order came from DIG Prison to send the said undertrial prisoner UT No.554, Popat @ Pappu Ratan Veer, to Sir. J.J. Group of Hospitals Mumbai for further management.

On dated 10/08/2022 police squad came for the said under trial prisoner UT No.554, Popat @ Pappu Ratan Veer, and as per order of DIG prison, Prison authorities sent the said under trial prisoner UT No.554, Popat @ Pappu Ratan Veer to Sir. J.J. Group of Hospital, Mumbai for further management, and from dated 10/08/2022 to 16/09/2022 the said under trial prisoner UT No.554, Popat @ Pappu Ratan Veer was admitted there in Sir. J.J. Group of Hospitals, Mummbai and was taking treatment for their ailments. Experts from Sir. J.J. Group of Hospitals, Mumbai discharged him on dated 16/09/2022 with appropriate medicines.

From 28/05/2022 to till date the said undertrial prisoner is admitted to Nashikroad Central prison hospital.

On dated 16/2/2023 the CMO of NRCPH sent the said undertrial prisoner to Civil Hospital, Nashik for Acute retention of urine, and he was admitted there from 16/2/2023 to 21/2/2023, Experts from Civil Hospital Nashik treated the said undertrial prisoner with appropriate medications and referred him to Sir J.J. Group of Hospitals Mumbai for further management.

At present, the said undertrial prisoner is physically unstable and is in need of extra care taken for daily routine work.”

6. Apart from the above health condition of the applicant, it appears that on the date of alleged incident, the applicant and the deceased were married for more than 15 years. The case is based on circumstantial evidence. Considering the overall facts and circumstances of the case, I am

inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Pappu @ Popat Ratan Vir be released on bail in Crime No. 277 of 2021 registered at Nashik Road Police Station, for the offence punishable under Section 302 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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